

CHARLES F. HELD.

FEBRUARY 15, 1910.—Ordered to be printed.

Mr. SCOTT, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 5336.]

The Committee on Military Affairs, which has had under consideration the bill (S. 5336) to relieve Charles F. Held of the charge of dishonorable dismissal, reports the same adversely and recommends that it be postponed indefinitely.

A similar bill was carefully considered by the committee in the Fifty-ninth Congress, and an adverse report thereon was ordered, but the case was finally returned to the files of the committee in lieu of its being adversely reported.

This case has been pending before the Committee on Military Affairs of the House of Representatives since the Fifty-first Congress, and was adversely reported by that committee in the Fifty-fifth Congress (H. Rept. No. 934).

There is no evidence before your committee of sufficient weight to substantiate the soldier's claim that his dishonorable dismissal from the service of the United States "for abandoning his command while in the face of the enemy" was an act of injustice.

The facts in the case as shown by the records of the War Department are set forth in the following departmental report.

Case of Charles F. Held, late captain Company G, Sixteenth Illinois Volunteer Cavalry.

A report in this case was furnished the Committee on Military Affairs, House of Representatives, on H. R. No. 6862, Fifty-first Congress, first session, July 11, 1890. Following is a copy:

"The records show that Charles Held was mustered into service as captain Company G, Sixteenth Illinois Cavalry, May 21, 1863, to serve three years.

"On January 20, 1865, the major commanding the regiment addressed a communication to the Secretary of War, requesting that Captain Held be dismissed the service for the following reasons: That in December, 1864, Brevet Major-General Wilson issued an order that the cavalry corps commanded by him and then in camp at Nashville, Tenn., should be in readiness to move against the enemy at 5 o'clock a. m., December 15, 1864; that this order was transmitted through the proper channel to him, and by him to Captain Held; that on the morning of December 15, 1864, while his company and regiment were moving against the enemy at Nashville, Tenn., Captain Held did absent himself from his regiment without leave; that he had been absent since and that he did not then know of his whereabouts.

"Thereupon he was dismissed the service in orders of which the following is a copy:

"HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,

"Nashville, Tenn., February 19, 1865.

"SPECIAL FIELD ORDERS, }
"No. 44. }

[Extract.]

"7. By virtue of the authority delegated the major-general commanding by the Secretary of War, Capt. Charles Held, Company G, Sixteenth Illinois Cavalry, is, for abandoning his command while in face of the enemy, hereby dishonorably dismissed the service of the United States.

* * * * *

"By command of Major-General Thomas:

"SOUTHARD HOFFMAN,
"Assistant-Adjutant-General."

"On March 13, 1865, Captain Held appeared before a general court-martial, convened at Pulaski, Tenn., and was arraigned upon the following charges:

"I. Absence without leave (Dec. 15, 1864, to Feb. 24, 1865).

"II. Violation of thirty-sixth article of war.

"III. Defrauding the Government of the United States.

"IV. Misbehavior before the enemy."

"It appears that the court was engaged in the hearing of his case on March 13 and 14, 1865, and on the latter date it adjourned until March 16, 1865, in order to give the accused time to prepare his defense.

"As special field order No. 44, dismissing Captain Held February 19, 1865, was received at the headquarters of the regiment March 16, 1865, and Captain Held's name dropped thereunder, the court took no further action in his case.

"In 1868 Hon. Jehu Baker, M. C., submitted papers in case of Captain Held and requested that an honorable discharge be granted him.

"Among the papers submitted was a certificate without date from attending surgeon to officers to the effect that Captain Held having applied for a certificate upon which to ground an application for a leave of absence, he found him suffering from neuralgia of the testes; that he was unfit for duty, and that he would not be able to resume his duties in a less period than twenty days.

"On February 14, 1865, the same was returned disapproved by command of Major-General Thomas.

"He also submitted a letter from the same surgeon, dated Nashville, Tenn., December 19, 1864, and addressed to the commanding officer of the Sixteenth Illinois Volunteers, stating that Captain Held had that day reported to him for medical treatment.

"On April 27, 1868, the papers submitted by Hon. Jehu Baker were referred by this department to Major-General Thomas, commanding Department Cumberland, for recommendation, and on May 5, 1868, the same were returned by that officer with the report that as no paper submitted accounted for Captain Held's absence on the 15th, 16th, 17th, and 18th days of December, during which the battle of Nashville was fought, the enemy routed, and the pursuit pressed with vigor by the whole army, and particularly by the cavalry, to which Captain Held belonged, he recommended that the order be not revoked or modified.

"On February 17, 1869, the proceedings of general court-martial, heretofore mentioned, and all the papers in Captain Held's case, were referred by this office to the Judge-Advocate-General of the Army, and on March 6, 1869, the same were returned by that officer with the following report:

"Capt. Charles Held, of the Sixteenth Illinois Cavalry, was summarily dismissed the service by order of Maj. Gen. George H. Thomas, February 19, 1865, "for abandoning his command while in the face of the enemy."

"The revocation of this order is requested by Hon. Mr. Baker, of Illinois, and review of the papers in the case is solicited.

"In support of his request there is only found among the accompanying papers a letter signed by James G. Kean (so his signature is deciphered) representing that injustice was done Captain Held through the prejudice of his commanding officer, Major Beers. The statements contained in this communication are all hearsay and afford no basis for clemency.

"It appears from the military history of Captain Held as afforded by the records of the department that he was under arrest thirteen months during the period intervening between September, 1863, and February, 1865, when he was dismissed.

"In view of such a record it is not believed that the request for the revocation of the order dismissing Captain Held should be complied with."

Since the date of the report quoted above letters have been found on file, of which the following are copies:

"CAMP SIXTEENTH REGIMENT ILLINOIS CAVALRY VOLUNTEERS,
Near Atlanta, Ga., August 9, 1864.

"SIR: We, the undersigned officers of your regiment, most respectfully beg leave to represent to you the following:

"That by the late resignation of Maj. Milo Thielemann, of the Second Battalion of the Sixteenth Regiment, and still later by the unfortunate decease of Maj. Fr. Schambeck, the regiment has in fact become devoid of all field officers below the rank of lieutenant-colonel, Major Beeres, of the Third Battalion, being still held in captivity by the enemy.

"We therefore respectfully suggest that you may appoint and recommend to his excellency the governor of the State of Illinois for promotion an officer of the regiment worthy to fill the position as a major of the regiment, and we also would respectfully petition you that you choose for the appointment Capt. Charles Held, of Company G, as the most appropriate officer to fill the position.

"We urge upon you the appointment of Captain Held for the reason that he is not only the oldest captain in the Second Battalion, but also the most efficient line officer in the regiment, and because that portion of the regiment existing yet, of which the Second Battalion forms the largest part, is consisting principally of Germans by nativity, we would deem it but an act of justice that he, Capt. Charles Held, himself a German by birth and concentrating within himself all the qualities of an efficient field officer, be appointed and recommended for promotion by you as major of the Second Battalion of the regiment.

"We hope that you may consider the above favorably and grant the request of

"Most respectfully, your petitioners,

"HENRY STIERMANN,
"Second Lieutenant, Commanding Company E.

"ADOLPH GERISHER,
"Second Lieutenant Company F.

"J. Q. HATTERY,
"Captain Company H."

"CAMP SIXTEENTH REGIMENT, ILLINOIS CAVALRY VOLUNTEERS,
Near Pulaski, March 16, 1865.

"We, the undersigned commissioned line officers of the Sixteenth Regiment Illinois Cavalry Volunteers now present with the regiment, state and acknowledge that we know Capt. Charles Held, of the same regiment, from the organization of the regiment until now, and that he, during that time, has always acted as a perfect gentleman and as a brave soldier before the enemy.

"I. HOFFMANN,
"Captain, Sixteenth Illinois Cavalry Regiment.

"ADOLPH GERISHER,
"Lieutenant, Commanding Company G,
"Sixteenth Illinois Volunteer Cavalry.

"B. FINGER,
"Lieutenant, Sixteenth Illinois Cavalry, Regimental Commander.

"CHAS. F. SCHUMAN,
"Lieutenant and Adjutant, Sixteenth Illinois Cavalry.

"HENRY STIERMANN,
"Lieutenant, Commanding E.

"J. Q. HATTERY,
"Captain, Commanding Company H, Sixteenth Illinois Cavalry.

"I know the above-mentioned good qualities of Captain Held to be as stated while he was with the regiment.

"FRANCIS JACKSON,
"Captain Company I, Sixteenth Illinois Cavalry."

The status of the case has undergone no change since the date of the report quoted above.

Respectfully submitted.

F. C. AINSWORTH,
The Military Secretary.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
December 14, 1905.
The SECRETARY OF WAR.

